

REMARKS

Reconsideration of this application in light of the foregoing amendments and the following remarks is respectfully requested.

Upon entry of the foregoing amendments, claims 1-3, 6, 8, 12, and 15-27 are pending in the application. The independent claims are claims 1, 6, 8, 12, and 23. Support for the subject matter of the amended claims is contained in the application as originally filed. Because the foregoing amendments introduce no new matter, their entry is respectfully requested.

Objection to the Abstract

The Examiner objected to the originally filed abstract as failing to meet a certain formalities. A replacement abstract has been submitted, and it is respectfully submitted that this abstract is in proper form. Therefore, Applicant requests that the objection to the abstract be withdrawn.

Objection to the Drawings

A revised Fig. 3 has been submitted on replacement sheet 3, attached hereto. Revised Fig. 3 shows a rotational drive in the form of a motor which has been labeled 45. Antecedent support for this amendment to Fig. 3 can be found in the original application at page 10, lines 35-37, and in the claims. The specification has been correspondingly amended to reflect that Fig. 3 shows the motor, and to include a reference label 45 with respect to the motor. Accordingly, Applicant respectfully submits that the drawings, as amended, show all of the features specified in the claims. Applicant requests that the Examiner withdraw the objection to the drawings in light of replacement Fig. 3.

Claim Rejection Under 35 U.S.C. § 112

The Examiner has rejected claim 22 for referring to "said engagement means" without proper antecedent basis. Claim 22 has been amended to appropriately introduce "an engagement means." Therefore, Applicant requests that the rejection of claim 22 based on 35 U.S.C. § 112 be withdrawn.

The Examiner has also rejected claim 23 as being indefinite because it was unclear whether the claim was directed to reverse drive mechanism or an applicator. Claim 23 has been amended to clarify that it is directed towards a reverse drive mechanism. Accordingly, Applicant respectfully submits that it is appropriate to withdraw the rejection of claim 23 under 35 U.S.C. § 112.

It should be noted that the amendments to claims 22 and 23 were not narrowing amendments, but merely restatements of the original claims in proper technical form.

Rejections under 35 U.S.C. §§ 102 and 103

The Examiner has rejected claims 1-6, 8-11, 13 and 20 as being anticipated, or made obvious by DD288815, EP0618168, or a combination of the two. The Examiner has indicated that claims 7, 12, 14-19, and 21-23 are directed to allowable subject matter, and would be allowed if rewritten in proper form. In light of the foregoing amendments, Applicant respectfully submits that all of the currently pending claims should be allowable over the prior art.

Claims 1-7

Claim 7 has been cancelled and its limitations have been incorporated into claim 1. The Examiner has indicated that claim 7 would be allowable if re-written in independent form. Accordingly, claim 1 should be allowable as amended as it conforms with original claim 7 rewritten in independent form including all of the limitations of the base claim and intervening claim 5. Similarly, claims 2 and 3 should now be allowable as depending from an allowable base claim. Claims 4, 5 and 7 have been cancelled, and therefore any rejection of these claims is now moot.

Claim 6 has also been rewritten in independent form and to specifically recite that a second rotational drive means, different from the first rotational drive means, drivingly rotates the cap relative to the neck. It is respectfully asserted that neither of the cited references shows a second rotational drive means, different from the first rotational drive means, that drivingly

rotates the cap relative to the neck. This assertion is corroborated by the Examiner's indication that claim 12 would be allowable over the cited subject matter.

Therefore, Applicant respectfully submits that claims 1-3 and 6, as amended, should be allowable over the cited references. Furthermore, claims 4, 5 and 7 have been cancelled. Therefore, Applicant respectfully submits that the rejection of claims 1-7 has been overcome or rendered moot by the present amendments.

Claims 8-22

Original claim 14 has been rewritten in independent form as amended claim 8 including all of the limitations of intervening claims 10 and 11. As the Examiner has indicated that claim 14 would be allowable if rewritten in independence form including all intervening claims, it is respectfully submitted that claim 8 should be allowable. Claims 9-11 and 13-14 have been cancelled by the present amendments, therefore, the prior rejection of these claims is now moot. Claim 15 has been amended to depend from claim 8, and therefore should now be allowable over the prior art as depending from an allowed claim. Similarly, claims 16-19, which depend from claim 15, should be allowable as depending from allowed based claims. Claim 20 has been amended to depend from amended claim 8. Accordingly, claims 20-22 should now be allowable as depending from an allowable base claim. Therefore, claim 8 and all of its dependent claims 15-22 should be allowable.

Claim 12 has been rewritten in independent form including all of the limitations of its base claim and intervening claims 11, 10 and 8. The Examiner indicated that claim 12 would be allowable if so rewritten. Accordingly, Applicant respectfully submits that claim 12 is in condition for allowance.

Claims 9-11 and 13-14 have been cancelled, and therefore the rejection of these claims is moot.

Accordingly, the rejection of claims 8-22 has been overcome or rendered moot by the present amendments, and claims 8, 12, and 15-22 should be allowed.

Claims 23-27

Applicant notes that claims 23-27 were not rejected under 35 U.S.C. §§ 102 or 103, but were indicated to be allowable over the cited prior art. Accordingly, in light of the amendment discussed above directed to overcoming the § 112 rejection, claims 23-27 should be allowable.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action, and that the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

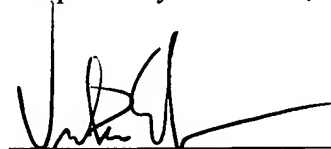
The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or to credit any overpayments to Deposit Account No. 50-2319.

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

Date: August 22, 2005

By:



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AMENDMENT TO THE DRAWINGS

Please cancel current sheet 3 of the drawings and replace with the attached Replacement Sheet 3. In Replacement Sheet 3, Fig. 3 has been revised to specifically show motor 45, shaft 34, and capping station 12 which were previously described in the application, as originally filed, but not shown in Fig. 3.